

THE HONORABLE JOHN C. COUGHENOUR

UNITED STATES DISTRICT COURT
WESTERN DISTRICT OF WASHINGTON
AT SEATTLE

UNITED STATES OF AMERICA,

Plaintiff,

v.

ISAIAH THOMAS WILLOUGHBY,

Defendant.

CASE NO. CR20-0111-JCC

ORDER

This matter comes before the Court on Defendant's second motion to reopen United States Magistrate Judge Brian Tsuchida's detention hearing (Dkt. No. 33). Having thoroughly considered the parties' briefing and the relevant record, the Court finds oral argument unnecessary and hereby DENIES the motion for the reasons described herein.

Defendant, who is detained pending a March 1, 2021 trial, is charged by indictment with arson. (Dkt. Nos. 24, 38.) The Court previously described the Government's allegations against Defendant and will not repeat them here. (*See* Dkt. No. 23.) Defendant now moves, for the second time, to reopen Judge Tsuchida's detention hearing. (Dkt. No. 33.) As a basis for review, Defendant asserts that he brings information not previously available to the Court. *See* 18 U.S.C. 3142(f)(2) (allowing the Court to reopen a detention hearing "any time before trial if the judicial officer finds that information exists that was not known to the movant at the time of the hearing.").

1 The Court reviews a magistrate judge's order detaining a defendant before trial *de novo*.
2 *United States v. Koenig*, 912 F.2d 1190, 1193 (9th Cir. 1990). Thus, the Court makes its own
3 factual findings and reaches an independent conclusion about whether the defendant should be
4 detained, without deference to the magistrate judge's decision. *Id.* However, because the Court
5 has previously reviewed Judge Tsuchida's decision, the current review is limited to information
6 not known at the time of the hearing. 18 U.S.C. § 3142(f)(2); *see United States v. Avellino*, 1995
7 WL 728420, slip op. at 1 (E.D.N.Y. 1995) (limited review based on new information). Defendant
8 alleges that the current COVID-19 conditions at FDC Sea-Tac represent such new information.
9 (Dkt. No. 33 at 11–13.) But Defendant's allegations suffer from the same flaw as described in
10 the Court's previous order: they represent "generalized concerns." (Dkt. No. 23 at 1.) This does
11 not constitute new information and, on this basis, the Court declines to reopen the detention
12 hearing.

13 For the foregoing reasons, Defendant's second motion to reopen United States Magistrate
14 Judge Brian Tsuchida's detention hearing (Dkt. No. 33) is DENIED.

15 DATED this 22nd day of October 2020.

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19 John C. Coughenour
20 UNITED STATES DISTRICT JUDGE
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